

**REMARKS**

Claims 1-5, 11, 23-27, 44-56, 58, 59, and 63-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5, 23-27 and 44-56, 58, 59, and 63-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Erickson US 6708426.

The Examiner is incorrect in maintaining that "The mounting elements (of *Erikson*) are movable only along **an** arc with respect to the ball and socket." The mounting elements of Erikson are movable outside of a single plane, along an infinite number of arcs. The mounting elements / spikes of this cited reference are in no way movable with respect to the sole. They are instead completely fixed to the sole, and move along with it. They cannot move separately with respect to the sole. Contrary to the cited reference, the support elements and ground engaging elements of the claimed invention move separate from the sole, and move essentially in a single plane.

The Examiner will note that certain claims have been reintroduced to the application because the amendments in the claims caused them to be now part of the presently elected embodiment.

## **CONCLUSION**

Applicant asserts that all of the Examiner's objections have been obviated, and therefore now respectfully requests withdrawal of the objections and allowance of the application.

An amount of \$234 is enclosed for the 9 new claims.

## **PETITION FOR AN EXTENSION OF THE TERM**

Applicant hereby petitions for a two-month extension of the term for reply from 14 November 2008 to 14 January 2009. An amount of \$245 to cover the cost of the extension is authorized to be charged to the credit card ending in 6346. Any deficiency or overpayment should be charged or credited to Deposit Account Number 04-2219, referencing our Docket Number 14150.

Respectfully submitted,

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